IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

Crl.Rev.Pet.No. 3940 of 2006(B)

CRA.263/2005 of SPL.COURT SPE/CBI-II & IV ADDL.SESSIONS COURT, ERNAKULAM
CC.1123/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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REVN. PETITIONER: APPELLANT

M.A.AHMED SHAFIULLAH, S/O.ABDUL LATIFF,
WEAVES & WAVES, M.G.ROAD, KOCHI.

BY ADV. SRI.S.NIRMAL KUMAR

RESPONDENTS: RESPONDENTS IN APPEAL:

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1. M/S.MANUALSONS TRADING COMPANY,
ISLAND CASTLE, CHITTOR ROAD, ERNAKULAM.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR (SRI. KAMMAPPU)
SRI.T.M.CHANDRAN
SRI.JOSHI VARGHESE
SRI.V.A.SASIDHARAN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 13/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.
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Crl.R.P. No.3940 of 2006
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Dated this 13th day of December, 2006.

ORDER

This revision arises from the conviction and sentence passed against the revision petitioner under section 138 of the Negotiable Instruments Act, 1881. The trial court found him guilty of the offence and convicted and sentenced him for the said offence. The appellate court also confirmed the conviction and sentence.

2. At the time of hearing, counsel for both sides submitted that petition as Crl.M.A.No.12826/2006 is filed for compounding the offence. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence. It is submitted by both sides that amount is already paid by the petitioner to the respondent-complainant and the matter is settled out of court amicably between the parties. Hence, permission is granted to compound the offence under section 138 of the Negotiable Instruments Act.

3. It is submitted by both sides that Rs.15,000/- was deposited by the revision petitioner before the court below and the said amount can be ordered to be released to the complainant-1strespondent.

Hence, the court below is directed to release Rs.15,000/- in deposit to the complainant-first respondent.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as compounded. He is set at liberty forthwith.

Crl. M.A.No.12826/2006 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**